

REMARKS

The present Office Action indicates that claims 1-13 are pending in the present application. However, the present application was filed with claims 1-14, and no amendment has been filed heretofore canceling claim 14. Thus, Applicants respectfully submit that the indication in the Office Action that claims 1-13 are pending in the present application should include an indication that claim 14 is also pending in the present application.

The Office Action sets forth a requirement under 35 U.S.C. § 121 for a restriction between the following groups of claims:

- I. Claims 1 and 3, drawn to making a hollow rack shaft by a method and die set for canceling elastic recovery, classified in class 29, subclass 893.34;
- II. Claims 2 and 4, drawn to making a hollow rack shaft by a method and die set where a complementary surface to a row of rack teeth provides a shape to cancel elastic recovery, classified in class 29, subclass 893.34;
- III. Claims 5-9, drawn to a method and die using a die provided with a plurality of recesses to release surplus material of the work piece, classified in class 29, subclass 893.34;
- IV. Claims 10 and 11, drawn to a method for forming a hollow rack with a row of intermediate rack teeth substantially equal to the required final pitch and smaller than the required final pressure angle, classified in class 29, subclass 893.34; and
- V. Claims 12 and 13, drawn to a method and mandrel for forming the work piece into a hollow shape by bending, classified in class 29, subclass 893.34.

Applicants elect Group I (claims 1 and 3) with traverse.

The requirement for restriction is respectfully traversed. As set forth in MPEP 803, one of the two criteria for requiring restriction is that "[t]here must be a serious burden on the examiner if restriction is required." One situation in which a *prima facie* case of a serious burden on the examiner may exist is when the claims in question are separately classified. However, in the present case, the claims of all of groups I-V are classified in class 29, subclass 893.34. Therefore, it is respectfully submitted that examination of all of claims 1-14 would not present a serious burden on the examiner.

CONCLUSION

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: Brian E. Harris
Brian E. Harris
Registration No. 48,383
Agent for Applicants

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SIDLEY AUSTIN BROWN & WOOD LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3461
Main: (214) 981-3300
Facsimile: (214) 981-3400
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